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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES *ex rel.* JEFFREY A. SMITH,) No. C 05-4055 CRB
Plaintiff,)
v.) **UNITED STATES' AND RELATOR'S
STIPULATION OF DISMISSAL;
[PROPOSED] ORDER**
SCIOS, INC. and JOHNSON & JOHNSON,)
Defendants.)

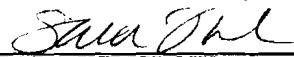
1 Subject to the Court's approval, Plaintiff-Relator Jeffrey A. Smith and the United
2 States of America hereby stipulate to the dismissal of this action without prejudice under Fed. R.
3 Civ. P. 41(a)(1). No answer has been served or filed, and no parties other than the United States
4 and the Relator have appeared in this action.

5 Respectfully submitted,

6 MICHAEL F. HERTZ
7 Deputy Assistant Attorney General

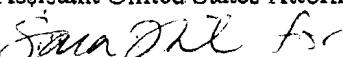
8 JOSEPH P. RUSSONIELLO
9 United States Attorney

10 Dated: May 13, 2009

11 By: 

SARA WINSLOW
JULIE A. ARBUCKLE
Assistant United States Attorneys

12 Dated: May 13, 2009

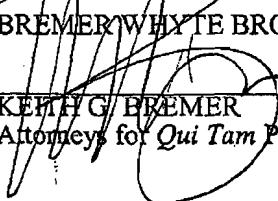
13 By: 

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Civil Division, U.S. Department of Justice

14 Attorneys for the United States

15 BREMER WHYTE BROWN & O'MEARA LLP

16 Dated: May 12, 2009

17 By: 

KEITH G. BREMER
Attorneys for *Qui Tam* Plaintiff Jeffrey Smith

20 [PROPOSED] ORDER

21 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that this action is
22 dismissed without prejudice under Fed. R. Civ. P. 41(a)(1).

23 IT IS SO ORDERED.

24 Dated: May 14, 2009

25 DISMISSAL STIP., C 05-4055 CRB

